The Contextualisation of *Siyar* in the Era of Nation-States and Globalisation

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ABSTRACT

This article examines the concept of Siyar *and its relation to the dynamisation of Islamic law.* Siyar *is a discipline in Islamic law covering issues of law of war and international relations in Islamic traditions, which means conducting Muslim states in relation with other communities. The efforts of the contextualisation of* Siyar *have been critical primarily when Muslims have faced challenging realities of nation-states, globalisation and post 9/11. This article arguably states that* Siyar *needs to be reinterpreted and revitalised due to its classical idea is not compatible with the modern ideas and practices of modern polity. Its main doctrine of bifurcation of the world (*dâr al-Islâm *and* dâr al-%arb*) encourages arguments and practices of the defensive and offensive* jihâd *amongst Islamist agencies. Accordingly, Muhammadiyah contextualised* Siyar *through its very idea of the* Negara Pancasila sebagai Dâr al-'Ahd wa al-Shahâdah *emphasising Indonesia as the state of negotiation between the arenas of* dâr al-Islâm *and* dâr al-%arb.*

Keywords: Siyar*; Dynamisation of Islamic law; Dâr al-'Ahd wa al-Shahâdah; Muhammadiyah; ijtihâd; Contemporary ijtihâd.*

INTRODUCTION

This article will discuss a theoretical framework of *Siyar*, its relation to the dynamisation of Islamic law,[1] its contextualisation in the era of nation-states and globalisation, and its representation by the case of Muhammadiyah,[2] Indonesia. *Siyar* itself is a special discipline in Islamic law which terminologically means conducting Islamic or Muslim states in relation with other communities.[3] Conceptually, this discipline discusses the discourse of law of war and international relations in Islamic traditions.[4] This study is essential due to covering some crucial gaps. First of all, the literature on *Siyar*, which has mainly been produced in Arab-Is-

lamic academic traditions, has not discussed the concept in a wider regional perspective, such as that of Southeast Asia. For example, some *Kitâb al-Siyar*(s) have merely focused on the discussions on the scriptural texts of the Qur'an and hadith, and on Muslim jurists' opinions.[5] Their further contextualisation is limited to the Arab-Islam lands and primarily to Middle Eastern countries. Even the most important literature of *Siyar*, *Kitâb al-Siyar* authored by al-Shaybani never goes further, but within its regional boundary.[6] Second, *Siyar* has not covered the discourse of dynamisation of Islamic law and its current contextualisation. In spite of the fact that prominent Muslim scholars such as Tariq Ramadan, Khaled Abou El Fadl and Ahmad Atif Ahmad have strongly encouraged to undertake contemporary *ijtihad* (dynamisation and contextualisation of law) in order to solve the current problems, in the field of *Siyar*, the suggested *ijtihad* has remained in stagnant.[7] Furthermore, since the time of inception (800s CE) to the current, specific studies that are concerned with the law of war and international relations in Islamic traditions have never dealt with the contemporary politics of Indonesia, let alone the Muhammadiyah.[8] The discourse of Islam in the region seems to be considered the peripheral that is not as important as the centre (the Middle East).

This article argues that *Siyar* needs to be reinterpreted and contextualised in accordance with the dynamic changes of era. It is because the classical notion of *Siyar* is not compatible with the modern Western political ideas and practices such as modern state, governance and system of law. Its primary doctrine which divides the world into *dâr al-Islâm* and *dâr al-%arb*, has conditioned ideas of defensive and offensive *jihad*. These ideas, moreover, have been often instrumentalised by Islamists in order to legitimate their political and ideological activities. In dealing with this part, Muhammadiyah proclaimed a notion of contextualisation of *Siyar* namely *Negara Pancasila*[9] *sebagai Dâr al-'Ahd wa al-Shahâdah* (the state of Pancasila as the state of consensus and witness) in their 47th Congress in 2015.[10] In the context of Indonesia and Southeast Asia, it can be claimed that Muhammadiyah is the only one which has initiated the alternative notion of *Siyar*. Generally in the case of Muhammadiyah's *Siyar*, *dâr al-'ahd* is neither *dâr al-Islâm* (the state of Islam) nor *dâr al-%arb* (the state of war). It is an idea of negotiation between both arenas. Indeed, this Southeast Asian version of *Siyar* might

contribute to the current development of the scholarly discipline *Siyar*.

In the particular case of Muhammadiyah, the idea was offered in the context of a massive growth of Islamist sentiment in the post-reformation era in Indonesia. Islamist sentiments have sharpened ideologies of Islamism which controversially have been articulated using the jargon of Islamisation or formalisation of *Sharî'ah* in the country.[11] Although there have been various Islamist groups, they have tended to have a similar understanding that the Indonesian political system is un-Islamic. In the *Siyar* perspective, since they believed that Indonesia is *dâr al-%arb* (a non-Islamic state or a state of war), it should be transformed into *dâr al-Islâm* (an Islamic state). In considering it, Sydney Jones' reflection on the political reformation that has resulted in not only democratisation but also the emergence of religious conservatism,[12] is relevant. While the New Order regime fell in 1998, it not only ended the authoritarianism of Suharto, but also opened the wider and contentious door of Islamist conservatism. In this case, as a consequence, Indonesia and also Muhammadiyah faced the undeniable challenges of Islamist ideologies and movements which were strongly anti-democracy.

SIYAR IN ISLAMIC TRADITIONS (*SIYAR* AND ITS POSITION IN ISLAMIC LAW)

Siyar as a part of Islamic law developed as a non-monolithic tradition. It is represented by various Muslim jurists (*fuqahâ'*) and scholars ('*ulamâ'*) whose ideas engaged with the Sunni schools of law – the Hanafi, Maliki, Shafi'i and Hanbali schools.[13] Since it was the intellectual product of both *fuqahâ'* and '*ulamâ'*, it can be considered a specific part of *fiqh*. Accordingly, some have named it *fiqh al-siyar*, which means the fiqh or the Islamic jurisprudence covering the issues of *Siyar*.[14]

Where is the position of *Siyar* as a part of *fiqh* in Islamic law? In the system of Islamic law, there are producers or law makers, sources of law, methodology of making law and products of law. Producers of law are the *fuqahâ'* and '*ulamâ'*. Their sources in making law (*macâdir li al-istinbâm al-a%kâm al-shar'iyyah*) are primarily al-Qur'ân and *%adîth* (the Prophetic tradition), and secondarily *ijmâ'* (consensus), *qiyâs* (analogy), *isti%sân* (preference) and *macla%ah* (public interests).[15] When there is a case of law that cannot be solved referring to these sources, *ijtihâd* (the earnest effort of rational and critical reasoning which is based on various common val-

ues contained in the Qur'ân and *%adîth*) is undoubtedly needed.[16] The process when they are producing law is *istinbâm al-a%kâm*. The methodology of their *istinbâm al-a%kâm* is *ucûl al-fiqh* (Islamic legal theory). The product is *fiqh* – that is, the Muslim jurists' and scholars' informed understanding of the 'law'. This is where we must position *Siyar* in the larger corpus of Islamic law. Furthermore, the application of *fiqh* is only possible when it becomes *qânûn* (legislation). In the context of *Siyar*, it should be *qânûn al-siyar*. Its applications, however, should not undermine the higher values of morality inherent in Islamic law, such as rightness, justice, peace and humanity.[17]

SIYAR AND THE PLURALISM OF LAW

Since there have been diverse opinions of the *fuqaha'* and *ulama'*, Islamic law is characterised by pluralism. This pluralism occurs due to different abilities among Muslim intellectuals in terms of their expertise in Islamic sciences such as *târîkh* (history), *falsafah* (philosophy), *tacawwuf* (mysticism), *tafsîr* (quranic exegesis), *al-%adîth wa 'ulûmuha* (Prophetic tradition and its specific sciences), *kalâm* (theology) and many others. Their expertise strongly influences their understanding of *macâdir al-a%kâm* (sources of law), *marîqah li al-istinbâm al-a%kâm al-shar'iyyah* (*ucûl al-fiqh*) (methodology in making law), *fiqh* (product of law), and *qânûn* (legislation) and *al-a%kâm al-tashri'yyah* (its applications). As a consequence, since *Siyar* is a product of Muslims' creativity and not the divine law that comes from the heaven, there is no single, fixed and definite Islamic *Siyar*. It means, borrowing Muhammad Sa'id al-Ashmawi's critical reflection, that the 'manifestation' of Islamic law or *Sharî'ah* (*fiqh*) is a mundane and secular thing due to Muslims as law makers cannot free from their own possible fallibility.[18] Accordingly, the validity of all products of Muslims' understanding is totally relative.[19]

SIYAR, ITS SCOPE AND OBJECTIVE

Siyar terminologically means paths or ways[20] taken when Muslims interact with other communities. In the history of Islam, when the modern state institution had not been established yet, there was the pre-modern state based on a religious identity. When Muhammad became a religious and political leader in Medina, he also regulated certain rules in dealing with other communities such as Jews, Christians and Pagans.[21] His rules

consisted of the ways to behave justly and fairly in many aspects of life, including trade and taxation, safety and security, as well as war and peace. His rules inspired Muslims over the centuries to develop the notion of *Siyar*. As mentioned by Majid Khadduri, *Siyar* as a discipline of Islamic law was popularised by a Hanafi jurist, Muhammad ibn al-Hasan al-Shaybani (749-805).[22]

In general, *Siyar* distinguishes two categories of community, Muslims and non-Muslims. Non-Muslims are divided into three categories, namely *mu%âribûn* (those in constant war with Muslims), *ahl al-'ahd* (those in covenant with Muslims) and *ahl al-dhimma* (the protected non-Muslims under Muslim authority).[23] According to these categories, moreover, the territory in *Siyar* is divided into two parts: the first is the territory of Muslims (*dâr al-Islâm*) and the second is the territory of *mu%âribûn* (*dâr al-%arb*). Muslim jurists from Hanafi, Maliki and Hanbali circles tended to agree with this notion of the dichotomous division of territory, except Shafi'i jurists who articulated a third category, the territory of *ahl al-'ahd* (*dâr al-'ahd* or *dar al-sul%*).[24]

A territory or a state can be classified as *dâr al-Islâm* because it meets some fundamental requirements such as the state should be governed by an Islamic authority, Islamic law should be enforced, and Muslims have the right to carry out their religious duties. While these requirements cannot be fulfilled, a state will be classified as *dâr al-%arb* due to the reason that it will threaten the security of Muslims (*amân*).[25] However, if the state remains in the category which is neither *dâr al-Islâm* nor *dâr al-%arb*, but Muslims have their own religious freedom and security because of the protection of either Muslim or non-Muslim authority, it may be categorised as *dâr al-'ahd*. It means, there must be such a certain agreement or consensus between the ruler and the people that the state will guarantee the people's *amân*, particularly allowing Muslims to practise the faith uninterrupted. However, although the majority views of various schools of law do not make a consensus (*ijmâ'*), they seem to disagree with the concept of *dâr al-'ahd*, with Shafi'i jurists representing a minority view.[26]

The fundamental objective of the establishment and protection of the *dâr al-'ahd* is to create "*baldatun mayyibatun wa rabbun ghafûr*" (the great state with God's blessings).[27] When in the Prophetic era, the prototype of this ideal state was manifested in the state of Medina, in the following era of the Rightly Guided Caliphs (*al-Khulafâ' al-Râshidûn*), Abu

Bakr, Umar ibn Khattab, Uthman ibn Affan and 'Ali ibn Abu Talib expanded the territory of Islam with the assumption that they must proselytise the Islamic teachings.[28] After *al-Râshidûn*, the political power of Islam developed massively, as represented by three great Muslim empires: the Ottoman, Safavid and Moghul.[29] Despite the vast expanses of Muslim lands, for many believers the idealised objective of *dâr al-Islâm* has not yet been fully realised. When Islam is understood by its believers generally as the grace for the universe, it is assumed that Islam should spread its great virtue throughout the world. Whether this achievable or not, there is no doubt that Islam can be viewed as a cosmopolitan religion.

In the context of politics, governance system and international relations, of course ideally, the cosmopolitan character of Islam intends to subdue all mankind under the umbrella of Islamic salvation. This idea is usually framed in a special theme of Islam, namely the development of the *ummah*. There are various meanings regarding the notion of the *ummah*. One views the *ummah* as a micro community of believers,[30] while others understand it as the state institution[31] or some scholars more creatively even regard it as the league of nations, either in the sense of pan-Arabism or pan-Islamism,[32] and one extreme position believes that the *ummah* is the global Islamic state.[33] Given that the concept means different things, the cosmopolitan character of Islam should be problematised, primarily in terms of whether it is only a moral inspiration or should be embodied in a political institution within territorial boundaries.

In dealing with the notion of the *ummah*, *Siyar* offers relevant guidance. According to Majid Khadduri, when Islam is understood as the true religion and its embodiment is the political institution of *dâr al-Islâm*, it follows that there is an obligation to expand this realm in line with the obligation of proselytising the salvation narrative of Islam.[34] In this context, *Siyar* covers the issues of territorial expansion through offensive *jihâd*, and the issues of territorial defence and security in defensive *jihâd*. *Siyar* thus not only governs Muslims' relations with other communities and international relations, but also the law of war.

SIYAR AND THE DYNAMISATION OF ISLAMIC LAW

In the context of defensive *jihâd*, *fuqahâ'* tend to agree that this idea is important. It is also equal to the Western law of war (just war) which governs the concept *jus ad bellum* (law governing resort to war) and *jus*

in bello (the law governing conduct in war).[35] In the context of offensive jihâd, however, this idea developed mainly from the history of the Prophet Muhammad, and also the practices and attitudes of Muslim Companions of the Prophet and the leaders of Muslim empires (caliphs or sultans).[36]

The idea of offensive jihâd in the current period, however, conjures up disturbing images of unbridled radicalism and suggests pursuit of the goal of the ummah at the cost of the fundamental values of Islam. The sub-field of Islamic law that deals with international relationships, which has conventionally dealt with war, needs also to provide a regime for counter-movements – that is, those that seek to promote peaceful relations. However, to do so, Siyar itself has to be reformed and in turn be contextualised following the current changes of Muslim life. Philosophically, this effort is tied to what I have called the dynamisation of Islamic law in general and of Siyar in particular.

From the perspective of the philosophy of Islamic law, there are three assumptions that underlie the dynamisation of Islamic law and the contextualisation of Siyar. First, Islamic law needs constantly to keep pace with evolving social conditions so as to remain relevant. Second, when Islamic law is not continually renewed, it runs the risk of becoming rigid and formalistic, opening it even to manipulation and political abuse. Third, the ideas and practices of Islamic law must not contradict maqâcid al-sharî'ah (the higher objectives of Islamic law) which, in the view of modern writers, prioritise the values of rightness, justice, peace, safety and security, and also humanity and human dignity.[37]

First, in order to maintain its relevance in light of societal changes, Islamic law has to evolve as well. Philosophically, Islam is perceived as the religion that is always relevant across space and time (Islam, sâli% li kulli makân wa zamân). One Muslim intellectual emphasises that Islam's values are is elevated and surpass others (al-Islâm, ya'lu wa lâ yu'la 'alaih); they are inspirational for the development of human civilisation. Yet, when these values have been reformulated as fiqh and legislation (qânûn wa tashrî'), both of them should reflect these fundamental values of Islam.[38] In addition, while it is obvious that the texts of law are limited, at the same time they have to face unlimited human problems. Accordingly, the hermeneutics of law should be based on the values behind the texts rather than the texts themselves (al-'ibrah fî al-maqâcid, lâ bi al-alfâ").[39] In this context, prominent Muslim intellectuals such as Fazlur Rahman, Abdullah

Saeed and Tariq Ramadan emphasise the importance of elaborating intertextuality and intercontextuality of the sources of Islamic law in order to extract 'global messages' behind them, and also of understanding the complexities of current situations.[40]

Second, when Islamic law is not being dynamised, it results in two kinds of *taqlīd* (imitation or stagnation): the first is *taqlīd* in terms of imitating everything that is mentioned in the *fiqh*;[41] and the second is *taqlīd* in applying the *ucûl al-fiqh*. In this context, Ali Ahmad Said's critical reflection on the Arab-Islamic archaeology of knowledge is apt. He argues that the stagnation of law is caused by the absence of dynamisation.[42] In his view, it is due to Muslim jurists believing that the form of law is more important than its substance. Furthermore, he diagnoses there is a problem of *taqlīd* in terms of methodology, which means Muslim jurists tend to accept the operationalisation of certain methods without any critical consideration.[43] The controversial Egyptian scholar, Nasr Hamid Abu Zayd, who fell foul of Islamists with his hermeneutic approach to Quranic interpretation, argued that Islamic civilisation resulted in the 'civilisation of the text' (*%aârah al-nac*)[44] — a kind of textual dogmatism. Consequently, the complex realities of life were reduced to a textualist-scripturalist and legalistic framework. Khaled Abou El Fadl cautions that, in certain cases, scripturalism and legalism of Islam have led to religious despotism and authoritarianism.[45] For example, *jihâd* as a part of *Siyar* can wrongly be interpreted as an offensive action that is permissible in the name of religion, even though it damages core Islamic principles.

Third, according to the first and second argument, it can be understood that the product of Islamic law must not contradict the higher moral values of Islam (*maqâcid al-Sharî'ah*). This argument is based on a proposition of the Islamic law, *al-'ibrah fî al-maqâcid* (the essentials of the law are inherently available in the higher objectives of the law).[46] Indeed, some Muslim reformers assert that in understanding Islam we should emphasise its substantive values rather than the formal application of *fiqh*. They argue that this is accord with Prophetic mission: "And We have not sent you, [O Muhammad], except as a mercy to the worlds."[47] This approach privileges contextualisation and an effort at 'neo-*ijtihâd*' in order to avoid the stagnation of law.[48]

THE CONTEXTUALISATION OF *SIYAR* IN THE ERA OF NATION-STATES AND GLOBALISATION

The contextualisation of *Siyar* means not only its practical applicability in a new situations, but also the revitalisation of its values in order to maintain its relevance. This is based on two arguments: first, the classical *Siyar* cannot be applied in the context of nation-states; second, in the context of globalisation, *Siyar* tends to be instrumentalised as a legitimation of the ideology of Islamist conservatism which, in turn, can open larger possibilities for the radicalisation of religion.

First, it cannot be doubted that the classical notion of *Siyar* almost entirely cannot be applied in the context of nation-states. The trend of the modern state institution that was initiated by Western civilisation has been relatively practised throughout countries in the world since the nineteenth century. Regarding this phenomenon, James Piscatori highlights that at least some Muslim countries tend to 'partially' adapt this trend into their political systems.[49] This partial adaptation pertains to Saudi Arabia and Iran, for instance. Saudi Arabia was established as an Islamic monarchy led by a king. The symbol of this state is "*lâ ilâha illa Allâh wa Muhammad rasûlullâh*" (there is no god but Allah and Muhammad is the Messenger of Allah). This state is governed – at least in official self-presentations – with the Qur'ân and Sunnah (the Prophetic tradition) as its constitution. In addition, although Iran is a republic, which is similar to a modern state institution, its political system was modified with Islamic political thought in a modern Shia form (*velâyat-e faqîh*). Whatever their official narratives of Islamic legitimacy, their political behaviour in terms of international relations combines their ideological, political and economic interests. Bilateral relations between Saudi Arabia and the United States, or between Iran and Russia, have eliminated in practice the operationalisation of the majority view of the classical *Siyar* which strictly distinguishes between *dâr al-Islâm* and *dâr al-%arb*.[50]

For other Muslim countries, furthermore, the concept of nation-states that reflects European values of such as Westphalianism has been popularly practised, although religious values are still important in shaping and colouring their constitutions. In this context, Turkey, Egypt, Malaysia and Indonesia can serve as examples.[51] Despite the fact that *Siyar* would not be unknown, at least to the religious elites, they do not apply it because it tends to undermine the principle of autonomy of the state. The relevance

of *Siyar* has been understood as inspirational ideas that support their values of nationalism and patriotism. In Indonesia, the two biggest Muslim organisations, Nahdlatul Ulama (NU) and Muhammadiyah, have clearly declared that a politically secular Republic of Indonesia (*Negara Kesatuan Republik Indonesia*, NKRI) is final.[52] Therefore, *Siyar* as classically understood does not pertain to the modern state system as it applies to modern Muslim states: those that might be considered 'Islamic' states do not adhere to the bifurcated idea of the world; those that have a majority Muslim population do not institutionalise Islamic law as integral to the state order – that is, they are not *dâr al-Islâm*.

Second, in the context of globalisation, one of the main doctrines of *Siyar*, *jihâd* has accompanied, and may have ideologically encouraged, the rise of Islamist resurgence and possibly terrorism.[53] In this era of globalisation, when human migrations have occurred massively and global communications – due to the development of science and technology – have been widely accessible, interchanges of identities, cultures, traditions, and religions have happened easily. As Olivier Roy argues, globalisation has resulted in not only the openness with which Muslims have encountered differences, but also crises of identity that have led to the protectionist behaviour of Islamist revivalism.[54] Furthermore, the terrorist attack of 11 September 2011 dramatically delineated the impact of Islamist radicalism on a global scale and thus a new, and troubling, instrumentalisation of *Siyar*. The confidence in distinguishing between the identity of Muslims and that of the infidels (*kâfirûn*) and promoting war in the name of religion is a discernibly widespread feature of the current landscape.[55]

Both these points suggest that the *Siyar* needs to be reconsidered today in order to respond to the new challenging realities. It needs to respond to the persistence of the modern state system at the same time as it re-affirms the underlying core values of moderation and pluralism that the majority of Muslims believe to be inherent in the Scriptural sources of Islam.

THE MODERN CONTEXTUALISATION OF *SIYAR*: THE CASE OF MUHAMMADIYAH

It is important to examine the concept of *Siyar* that has been developed by Muhammadiyah in the multiple contexts of nation-state,

globalisation, and the post-9/11 and post-authoritarian era of Indonesia. As mentioned before, in 2015, this organisation conceptualised the notion of *Negara Pancasila sebagai Dâr al-'Ahd wa al-Shahâdah* (the state of Pancasila as the state of consensus and witness)[56] as a representation of the current development of the concept of *Siyar*. In considering it, this paper highlights two essential things: first, the way Muhammadiyah reconciles the state principles of Pancasila and *Siyar*, and, second, its way of relating the notion of *Negara Pancasila sebagai Dâr al-'Ahd wa al-Shahâdah* to its views of Indonesian democracy. This can also be understood as the former emphasising "what is the thought that Muhammadiyah has produced," whereas the latter underlines "how does Muhammadiyah construct this thought."

In the perspective of Islamic legal thought, this exploration has brought us to the development of a key concept of Islamic law, *ijtihâd*.[57] *Ijtihâd* literally means a strong effort, but conceptually it involves a strong endeavour to think rationally, critically and creatively in order to overcome problems whose solution cannot be found in the Qur'ân and *%adîth*, and also other sources such as *ijmâ'* (consensus), *qiyâs* (analogy), *isti%sân* (preference), and *icticla%* (public good).[58] This exploration, furthermore, relates the discourse of *ijtihâd* to the specific discipline of *Siyar* that has been practised by Muhammadiyah. Accordingly, it invites us to discuss the significance of Muhammadiyah's *ijtihâd* to the development of both the discipline of *Siyar* and the discourse of *ijtihâd* in general, which, more broadly, connect with the issue of the dynamisation of Islamic law and Islamic thought that underpins our entire analysis.

As a result of its *ijtihâd*, Muhammadiyah offers the notion of *Negara Pancasila sebagai Dâr al-'Ahd wa al-Shahâdah* as an intellectual reconciliation between the state ideology of Pancasila and the doctrine of *Siyar*.[59] This *ijtihâd* is based on its fundamental basis of thought and self-styled movement called *Islam Berkemajuan* (progressive Islam),[60] whereby Islam should be viewed progressively as a problem-solving religion. Muhammadiyah argues that it should provide solutions for current human and societal problems.[61] In the context of its *ijtihâd*, however, it has faced challenging realities in the significant spread of conservative and radical Islamism throughout the post-political reformation in Indonesia. This spread, from Muhammadiyah's perspective, is a serious threat that can potentially lead to national disintegration since the Islamists have criticised the status of

Indonesia as a state (due to the fact it is not considered *dar al-Islam* or an Islamic state) and its political system (it is not a *Sharî'ah* system).

In dealing with this threat, Muhammadiyah promotes one of the concepts of *Siyar*, namely *dâr al-'ahd* (the state of consensus), instead of *dâr al-Islâm* (the Islamic state) or *dâr al-%arb* (the state of war). Muhammadiyah argues that Indonesia is the state based on Pancasila (*Negara Pancasila*), and since Pancasila was conceptualised through the national consensus by its founding fathers, Indonesia should be understood as the state of consensus (*dâr al-'ahd*) – that is, neither the Islamic state nor the state of war. Through this argument, Muhammadiyah emphasises that it supports a moderate Islamic concept of democracy. However, support is not enough; rather, it believes that guaranteeing the process of substantial democratisation and the state development of Indonesia is needed. Accordingly, Muhammadiyah adds the concept of *dâr al-shahâdah* (literally means the state of witness, or the space of testimony). With this conceptual addition, Muhammadiyah intends at encouraging its activists and Indonesian Muslims to strongly bear a witness or testimony that Muhammadiyah is an important part of Indonesia. As a consequence, in dealing with the testimony, both Muhammadiyah activists and Indonesian Muslims generally should involve themselves in an agenda of state democratisation and development in order to ensure that the ideal of Indonesia becoming "the sovereign, just and prosperous state which is granted by God's blessing" (*baldatun mayyibatun wa rabbun ghafûr*) will be achieved. In this context, Muhammadiyah suggests that all Indonesians, and mainly Indonesian Muslims, should become "witnesses" to the development of Indonesian civilisation (*Indonesia Berkemajuan*). Thus, through the *ijtihâd* of *Islam Berkemajuan* which is represented by the concept of *Negara Pancasila sebagai Dâr al-'Ahd wa al-Shahâdah*, Muhammadiyah wants to make the ideals of *Indonesia Berkemajuan* come true.

In addition, closely relating to its way of *ijtihâd*, Muhammadiyah attempts to build a connection between its concept of *Negara Pancasila sebagai Dâr al-'Ahd wa al-Shahâdah* and its idea of democracy. In building this connection, Muhammadiyah has conducted an approach of theologising democracy. This approach means developing democracy as a paradigm built on a theological interpretation of Islam that emphasises the importance of democratic values such as *shûra* (people's sovereignty or consultation), *'adâlah* (justice), *musâwah* (equality), and *%urriyyah* (free-

dom) among others. Muhammadiyah has tended to undertake this task via the two ways of objectification and substantialisation of Islam. While the former means transforming Pancasila into an objective language of Islam that can, at the same time, be understood and accepted by all Indonesian citizens beyond their religious, ethnic, racial and cultural identities, the latter means reinterpreting Pancasila as a manifestation of the substantial values of Islam.

Muhammadiyah has undertaken both these efforts based on historical, political, sociological and theological arguments. Historically, Muhammadiyah contributed to the conceptualisation of Pancasila and the establishment of the state of Indonesia through its elites, activists and activities mainly in the fields of education, health and philanthropy (this consensual activity is thought to be consistent with the *dâr al-'ahd* idea). In a related way, Muhammadiyah recognises that it is a part of Indonesia and must take a responsibility in developing the state and nation (thus consistent with its 'witness' responsibilities under the concept of *dâr al-shahâdah*). Politically, Muhammadiyah tends to view that Pancasila is a manifestation of the secularisation of the political system, since it is perceived as neither the concept of Islamism nor a secularism that is anti-faith. Accordingly, Muhammadiyah with its moderate Islamic thought attempts to bridge the essential values of *Sharî'ah* (*maqâcid*) and the modern political system of democracy. In another words, Pancasila is inherently Islamic due to its conceptualisation and comprehension based on Islamic values, but it is not dogmatically Islamic or the model for an Islamic state. Sociologically, the majority of Muhammadiyah activists have tended to believe in the doctrine of Islamic moderatism (*wasatiyyah*), which is consistent with the intellectual elaborations we have explored. Last but not least, theologically, Muhammadiyah offers an interpretation of Islam that affirms it has democratic values, while, at the same time, arguing that a democracy, by its very nature, is essentially Islamic. In another words, Muhammadiyah argues that while Pancasila is not an Islamic ideology, its values of democratic pluralism are fully consistent with the teachings of Islam: there is thus no contradiction between the ideologies of Pancasila and of 'progressive Islam'.

However, on the level of implementation, Muhammadiyah has seriously struggled in both theologising democracy and implementing the product of its *ijtihâd*. It has done so because of the challenges it faces. In

terms of theologising democracy, its main challenges have been the formalisation of *Sharî'ah*, Maududian political thought, which calls for Islamising politics, and *takfiri* ideology that has been exclusivist and judgemental. Moreover, in terms of disseminating and implementing the result of its *ijtihâd*, Muhammadiyah has had to deal with the rise of Islamist ideology among some of its own members and of the emergence of Islamist populism.

Despite these concerning trends for Muhammadiyah, its application of a modern *ijtihâd* can be seen as a significant contribution to the dynamisation of Islamic legal thought in Indonesia, specifically in the context of the development of the discourse of *Siyar*. Its effort at theologising democracy (objectification and substantialisation of Islam) and producing a concept of moderation linking Islam and democracy, is viewed as having potential for the future. Din Syamsuddin argues that one contribution that Muhammadiyah can make, in terms of the dynamisation of its spirit, is transforming its philosophical basis of "retaining the good from the past and adopting a better present" (*al-mu%âfa"ah 'ala al-qadîm al-câli% wa al-akhdhu bi al-jadîd al-acla%*) into "maintaining the best from the past and creating the most excellent in the present" (*al-mu%âfa"ah 'ala al-qadîm al-acla% wa al-ijâd bi al-ajdâd al-câli%ah*).[62]

Muhammadiyah's achievement could possibly be considered as a model of the revival, even energising, of Islamic law for other Muslim countries. Wael Hallaq, an expert of Islamic law, argues that the Islamic state is 'impossible' to adopt and to practice in the modern system of states – a view consistent with the *Siyar* discussion of this article.[63] However, the notion of *Negara Pancasila sebagai Dâr al-'Ahd wa al-Shahâdah* is suggestive as a way to reconcile Islamic understandings with modern political ones. Muhammadiyah is not alone in this quest: Indonesian Muslim intellectuals such as Nurcholish Madjid, Abdurrahman Wahid and Ahmad Syafii Maarif have argued along similar lines. Another scholar of Islamic law, Ahmad Atif Ahmad, argues that *Sharî'ah* as many Muslims either understand or practice it has been problematic.[64] The 'fatigue' of the *Sharî'ah* has been caused by the lack of *ijtihâd* and its agencies (*mujtahidîn*) in the Muslim world.[65] In this regard, the effort of Muhammadiyah's *ijtihâd* can be seen as consistent with Atif Ahmad's suggestion. Whether it can also be a model of Islamic secularity[66] – 'progressive', 'moderate', and 'democratic' as Muhammadiyah claims to represent – remains to be seen.

CONCLUDING REMARKS

This article has reviewed the importance of *Siyar* in the system of Is-lamic law. It has shown that *Siyar* is not equivalent to *Sharî'ah*, since *Siyar* is *fiqh* that covers the issues of the law of war and international relations in Islamic traditions. Accordingly, as the product of Muslim juristic thought, *Siyar* is possible to be redeveloped. This redevelopment is important be-cause of two things. First, the classical notion of *Siyar* is not compatible with the modern state system as it has been practised by modern Muslim states. Second, in the context of globalisation, the classical doctrines of *Siyar* such as the bifurcated idea of the world (*dâr al-Islâm* and *dâr al-%arb*) and of community (Muslims and infidels), and the idea of either defensive or offensive *jihad*, have been often instrumentalised by both revivalist and radical Muslims in order to legitimate their political and ideological activities. Regarding these double challenges, the *Siyar* needs, therefore, to be reformed and recontextualised. In other words, some Muslims argue that it is important to maintain the modern state system but also revitalise the values of moderation and pluralism that the major-ity of Muslims believe in.

The idea of contextualisation of *Siyar* was undertaken by Muhammadiyah through its concept of *Negara Pancasila sebagai Dâr al-'Ahd wa al-Shahâdah*. The concept means that Indonesia that fundamen-tally was established by principles of Pancasila is the state of consensus and witness. The state of consensus emphasises that the state establish-ment is based on the consensus of all Indonesian people as well as Mus-lims and Muhammadiyah activists. Accordingly, this concept puts Indone-sia as not the Islamic state (*dâr al-Islâm*) nor the state of Muslims' enemy (*dâr al-%arb*). It is the very notion of negotiation between both arenas (*dâr al-'ahd*). The state of witness highlights the importance of Muslims' involvements in the process of state development in order to evolve the progressive civilisation of Indonesia (*peradaban Indonesia berkemajuan*).

This Muhammadiyah initiation and achievement, indeed, conceptu-ally might reflect the Southeast Asian version of *Siyar* which is different from its Arab-Islam version. Accordingly, it is really possible to offer the concept as an alternative in the field of law of war and international rela-tions in Islamic traditions which tends to be neither exclusivist nor expan-sionist. Yet, the concept needs to be scholarly contested further. The de-velopment of the concept would be dependent on the roles played by

scholars have supported and it has remained open to be seen.[]

ACKNOWLEDGEMENT

ENDNOTES

[1] The word 'dynamisation' comes from the verb 'dynamise' which means to make more powerful, vital, or energetic. Accordingly, dynamisation means the persistent efforts at making or maintaining something to be in its powerful, vital, or energetic condition. In the context of Islamic law, I borrow this term from Izomiddin's conceptualisation that, "*...dinamisasi hukum Islam merupakan bagian dari upaya memahami hukum Islam agar berjalan sesuai dengan konteks zamannya.*" (...the dynamisation of Islamic law is a part of efforts to understand Islamic law in order to evolve following the context of the era). Thus, by this term, I mean the ability of Islamic law to evolve and to meet the changing exigencies of modern societies. See Izomiddin, "Dinamisasi Hukum Islam," *Pemikiran dan Filsafat Hukum Islam*, (Jakarta: Prenadamedia Group, 2018), p. 96; 95-998.

[2] Muhammadiyah is the largest modernist Muslim organisation in Indonesia. Some have argued that Muhammadiyah's movement has emphasised the ideology of Islamic reformism. See further Ahmad Najib Burhani, "Muhammadiyah," In Oxford Islamic Studies Online. Oxford Islamic Studies Online, http://www.oxfordislamicstudies.com/article/opr/t343/e0296 (Accessed May 5, 2019).

[3] Majid Khadduri, "The Islamic Theory of International Relations and Its Contemporary Relevance," in Harris Proctor (ed.), *Islam and International Relations*, (London; Dunmow: Pall Mall Press, 1965), p. 25; Muhammed ibn al-Hasan al-Shaybani, *The Islamic Law of Nations*, translated by Majid Khadduri, (Baltimore, Maryland: Johns Hopkins University Press, 1966), p. 3.

[4] Majid Khadduri, "Islam and the Modern Law of Nations," in Mashood A. Baderin (ed.), *International Law and Islamic Law*, (Aldershot, Hampshire, England; Burlington, Vermont: Ashgate, 2008), pp. 3-17, and also Christopher A. Ford, "Siyar-ization and Its Discontents: International Law and Islam's Constitutional Crisis," in Mashood A. Baderin (ed.), *International Law and Islamic Law*, pp. 19-53.

[5] There are some essential works on *Siyar*, such as Muhammad Ibn Ishaq al-Muththalibi, *Kitab al-Siyar wa al-Maghazi*, edited by Suhayl Zakkar, (Beirut: Dar al-Fikr, 1978), Muhammed ibn al-Hasan al-Shaybani, *The Islamic Law of*

Nations, translated by Majid Khadduri, (Baltimore, Maryland: Johns Hopkins University Press, 1966), and Muhammad Ibn Ahmad al-Sarakhsi, *Sharh Kitab al-Siyar al-Kabir Li Muhammad ibn al-Hasan al-Shaybani*, 5 Volumes, (Cairo: Mahad al-Makhthuthat bi Jami'at al-Duwal al-Arabiyah, 1971-2).

6   Muhammed ibn al-Hasan al-Shaybani, *The Islamic Law of Nations, translated by Majid Khadduri.*

7   See mainly Tariq Ramadan, *Radical Reform: Islamic Ethics and Liberation*, (Oxford; New York: Oxford University Press, 2009); Khaled Abou El Fadl, *And God Knows the Soldiers: The Authoritative and Authoritarian in Islamic Discourses*, (Lanham, MD: University Press of America, 2001); Ahmad Atif Ahmad, *The Fatigue of the Shari'a*, (New York: Palgrave Macmillan, 2012).

8   Al-Dawoody's work on the theme of the Islamic law of war, for instance, is one of the modern works that mostly concerns about the classical arguments of the practices of the law. His work does not even touch any discourse relating to non-Arab Muslim contexts. This work seems to be similar to many others presuming that the Islamic world is the Arab-Islam lands. See further, Ahmed al-Dawoody, *The Islamic Law of War: Justifications and Regulations*, (New York: Palgrave Macmillan, 2011).

9   Pancasila is the state principles of Indonesia. It consists of five basic ideas which are belief in God, nationalism, humanitarianism or just and civilized humanity, democracy, and social justice. See "Pancasila," in Oxford Islamic Studies Online. Oxford Islamic Studies Online http://www.oxford-islamicstudies.com/article/opr/t125/e1818 (Accessed May 5, 2019).

10   Muhammad Ali, "The Muhammadiyah's 47th Congress and 'Islam Berkemajuan'," *Studia Islamika: Indonesian Journal for Islamic Studies*, Vol. 22, No. 2 (2015), p. 378.

11   See Greg Barton, *Indonesia's Struggle, Jamaah Islamiyah and the Soul of Islam*, (Sydney: University of New South Wales Press, 2004); Gregory Fealy and Anthony Bubalo, *Joining the Caravan: The Middle East, Islamism and Indonesia*, (Alexandria, New South Wales: The Lowy Institute for International Policy, 2005); Burhanuddin Muhtadi, "The Quest for Hizbut Tahrir in Indonesia," *Asian Journal of Social Science*, Vol. 37, No. 4 (2009): 623-645; Muhammad Tito Karnavian, *Explaining Islamist Insurgencies: The Case of al-Jamaah al-Islamiyyah and the Radicalisation of the Poso Conflict 2000-2007*, (London: Imperial College Press, 2015).

12   Sydney Jones, "Sisi Gelap Reformasi di Indonesia: Munculnya Kelompok Masyarakat Madani Intoleran," in Sydney Jones et. al., *Sisi Gelap Demokrasi: Kekerasan Masyarakat Madani di Indonesia*, (Jakarta: PUSAD Paramadina, 2015), pp. 3-29.

13   In addition to Sunnis, there is another Islamic tradition, that of the Shia. Differences between Sunni and Shia were first based on political disputes and then theological debates. See Marshall G.S. Hodgson, *The Venture of Islam, Volume 1: The Classical Age of Islam*, (Chicago: The University of Chicago Press, 2009), pp. 241-279; Karen Armstrong, *Islam, A Short History*, (New York:

The Modern Library, 2002), pp. 33-37. This article emphasises only the Sunni schools of law.

[14] Wael B. Hallaq, *Authority, Continuity, and Change in Islamic Law*, (Cambridge: Cambridge University Press, 2004), pp. 1-23; 24-56.

[15] Mohammad Hashim Kamali, *Shari'ah Law: An Introduction*, (Oxford: Oneworld Library, 2008), pp. 14-38; Wael B. Hallaq, *The Origins and Evolution of Islamic Law*, (Cambridge: Cambridge University Press, 2005), pp. 122-149.

[16] Mohammad Hashim Kamali, *Shari'ah Law: An Introduction*, pp. 162-178; Wael B. Hallaq, *A History of Islamic Legal Theories*, (Cambridge: Cambridge University Press, 1997), pp. 117-124; Wael B. Hallaq, *Authority, Continuity, and Change in Islamic Law*, pp. 24-56; Wael B. Hallaq, *The Origins and Evolution of Islamic Law*, p. 130.

[17] As a discipline of Islamic science, the term Islamic law is interchangeably understood as *Sharî'ah*. See Mohammad Hashim Kamali, *Shari'ah Law: An Introduction*, p. 3; However, I disagree with this understanding, due to Islamic law is a wider discipline of Islamic science and *Sharî'ah* included in it. *Sharî'ah* in this context is 'moral inspirations' in making and applying Islamic law. As Abdul Hamid Abu Sulayman highlights, Islamic law consists more of moral inspirations than legislated and enforceable rules. Abdul Hamid Abu Sulayman, *Towards an Islamic Theory of International Relations: New Directions for Methodology and Thought*, (Herndon, Virginia, USA: The International Institute of Islamic Thought, 1993), p. 7.

[18] Muhammad Sa'id al-Ashmawi, *Al-Sharî'ah al-Islâmiyyah wa al-Qânûn al-Masri*, (Cairo: Madbuli, 1996), p. 25.

[19] Abdullahi Ahmed An-Na'im, *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law*, (New York: Syracuse University Press, 1996), p. 1.

[20] Terminologically, *Siyar* (plural) means ways. Its singular form of *Siyar* is *Sîrah*. However, as a discipline of Islamic science, while *Siyar* is put under the particular theme of Islamic law, *Sîrah* is categorised as a part of history (*târîkh*) which specifically covers the biographical history of the Prophet Muhammad. For the further history of formative period of *Siyar*, see Anke Iman Bouzenita, "The Siyar, an Islamic Law of Nations?," *Asian Journal of Social Science*, Vol. 35 (2007), pp. 20-26.

[21] Majid Khadduri, "Translators's Introduction," in Muhammed ibn al-Hasan al-Shaybani, *The Islamic Law of Nations*, translated by Majid Khadduri, p. 19; Abdul Hamid Abu Sulayman, *Towards an Islamic Theory of International Relations: New Directions for Methodology and Thought*, pp. 98-115.

[22] Majid Khadduri, "Translators's Introduction," p. 22.

[23] Muhammed ibn al-Hasan al-Shaybani, *The Islamic Law of Nations*, pp. 130-141; Labeeb Ahmed Bsoul, "Theory of International Relations in Islam," *Digest of Middle East Studies*, Vol. 16 (2007), p. 72.

[24] Labeeb Ahmed Bsoul, "Theory of International Relations in Islam," p. 72, 85; Majid Khadduri, "Translator's Introduction," p. 12; Abdul Hamid Abu

Sulayman, *Towards an Islamic Theory of International Relations*, p. 19.

[25] Labeeb Ahmed Bsoul, pp. 71-96.

[26] *Ibid.*, p. 72, 85.

[27] Zainal Abidin Ahmad, *Membangun Negara Islam*, (Yogyakarta: Pustaka Iqra, 2001), p. 13.

[28] Majid Khadduri, "Translator's Introduction," p. 19-22.

[29] See Marshall G.S. Hodgson, *The Venture of Islam, Volume 3: The Gunpowder Empires and Modern Times*, (Chicago: The University of Chicago Press, 2009), pp. 1-162; Philip K. Hitti, *History of the Arabs, Tenth Edition*, (London: MacMillan, 1977); Albert Hourani, *A History of the Arab Peoples*, (London: Faber and Faber, 2013).

[30] James Piscatori, *Islam in a World of Nation-States*, p. 31,

[31] Sayyid Qutb, *Ma'âlim fî al-lâriq*, (Cairo: Dar al-Syurûq, 1979); Abul A'la Al-Maududi, *Al-Khilâfah wa al-Mulk*, (Kuwait: Dar al-Qalam, 1978); Khomeini, *Islamic Government: Governance of the Jurist*, (Tehran: Institute for Compilation and Publication of Imam Khomeini's Work, 2002).

[32] Tahir Amin, *Nationalism and Internationalism in Liberalism, Marxism and Islam*, (Islamabad: The International Institute of Islamic Thought, 1991), pp. 64-65.

[33] Reza Pankhurst, *Hizb-ut-Tahrir, The Untold History of the Liberation Party*, (London: Hurst and Company, 2016), pp. 205-242.

[34] Majid Khadduri, "Translator's Introduction," p. 15.

[35] *Ibid.*, Majid Khadduri, p. 16; Majid Khadduri, *War and Peace in the Law of Islam*, (Baltimore and London: The Johns Hopkins Press, 1955), pp. 169-170, 172; Charles W. Amjad Ali, "Jihad and Just War Theory: Dissonance and Truth," *Dialog*, Vol. 48, No. 3 (2009), p. 243; Jamila Hussain, *Islam, Its Law and Society*, (Sydney: Federation Press, 2011), pp. 58-60.

[36] See Andrew G. Bostom (ed.), *The Legacy of Jihad: Islamic Holy War and the Fate of Non-Muslims* (Amherst, New York: Promoteus Book, 2005), and also Roxanne Euben and Muhammad Qasim Zaman (eds.), *Princeton Readings in Islamic Thought: Texts and Contexts from Al-Banna to Bin Laden*, (Princeton: Princeton University Press, 2009).

[37] A creative reinterpretation of the higher objectives of Islamic law that will be used in this discussion is found in Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law, A Systems Approach*, (London; Washington: The International Institute of Islamic Thought, 2007), pp. 1-25. His interpretation expands the classical meanings of *maqâsid*. It means, it is not limited to only five protections or preservations (*asâs al-khamsah*): the protection of religion (*%if" al-din*), of life (*%if" al-nafs*), of mind (*%if" al-'aql*), of wealth (*%if" al-mâl*) and of offspring (*%if" al-nasl*). *Maqâcid* has remained opened to be reinterpreted and recontextualised. See also Mohammad Hashim Kamali, "Maqasid al-Shari'ah Made Simple," *Islamic Studies*, Vol. 38 (1999), pp. 193-209.

[38] Pradana Boy ZTF., *Fikih Jalan Tengah: Dialektika Hukum Islam dan Masalah-Masalah Masyarakat Modern*, (Jakarta: Penerbit Hamdalah, 2008), pp. 4-14.

[39] Abd. Moqsith Ghazali, Luthfi Assyaukanie and Ulil Abshar-Abdalla, *Metodologi*

Studi al-Qur'an, (Jakarta: Gramedia, 2009), pp. 139-170.

40 Fazlur Rahman, *Islamic Methodology in History*, (Islamabad: Central Institute of Islamic Research, 1995), p. 189; Abdullah Saeed, *Interpreting the Qur'an: Towards a Contemporary Approach*, (New York: Routledge, 2006), pp. 116-125; Abdullah Saeed, *Islam in Australia*, (New South Wales: Allen & Unwin, 2003), p. 65; Tariq Ramadan, *Western Muslim and the Future of Islam*, (New York: Oxford University Press, 2004), pp. 23-24, 55-61.

41 Wael B. Hallaq, *Authority, Continuity, and Change in Islamic Law*, pp. 86-120.

42 See Ali Ahmad Said (Adonis), *Al-Thâbit wa al-Muta%awwil, Vol. 1*, (Beirut: Dar al-Saqi, 1994).

43 This is questioning the methodology which prefers privileged rules rather than principles. See Ali Ahmad Said (Adonis), *Al-Thâbit wa al-Muta%awwil*. This critical view is consistent with Arkoun's argument, that the absence of critical understanding has happened unconsciously in a deeper level of the faculty of reason, which in turn results in something called 'unthinkable' or 'unthought'. See Mohammed Arkoun, *Islam: To Reform or to Subvert?*, (London: Saqi Essentials, 2002).

44 Nasr Hamid Abu Zaid, *Mafhum al-Nac: Dirâsah fî 'Ulûm al- Qur'ân*, (Cairo: Al-Hai'ah al-Micriyyah al-'Âmmah li al-Kitâb, 1993).

45 Khaled Abou El Fadl, *And God Knows the Soldiers: The Authoritative and Authoritarian in Islamic Discourses*, (Lanham, MD: University Press of America, 2001).

46 Abd. Moqsith Ghazali, Luthfi Assyaukanie and Ulil Abshar-Abdalla, *Metodologi Studi al-Qur'an*.

47 Al-Qur'ân, Surah al-Anbiyâ': 107.

48 For the further elaboration of the concept of neo-*ijtihâd*, see Tariq Ramadan, *Radical Reform: Islamic Ethics and Liberation*, (Oxford; New York: Oxford University Press, 2009), pp. 11-40.

49 James Piscatori, *Islam in a World of Nation-States*, p. 150.

50 In this context, Saudi rulers have never seen the United States as *dâr al-%arb* (the state of war that should be Islamised), just as Iran has not viewed Russia as *dâr al-%arb*.

51 *Ibid.*, James Piscatori, pp. 117-143.

52 See Akhmad Sahal and Munawir Aziz (ed.), *Islam Nusantara: Dari Ushul Fiqh Hingga Konsep Historis*, (Bandung: Mizan, 2015).

53 Abdul Aziz [Imam Samudera], *Aku Melawan Teroris!*, (Solo: Jazeera, 2004); Greg Barton, *Indonesia's Struggle, Jamaah Islamiyah and the Soul of Islam*; Roxanne Euben and Muhammad Qasim Zaman (eds.), *Princeton Readings in Islamic Thought: Texts and Contexts from Al-Banna to Bin Laden*; Fawaz A. Gerges, *ISIS: A History*, (Princeton: Princeton University Press, 2017).

54 Olivier Roy, *Globalized Islam: The Search for a New Ummah*, pp. 201-231.

55 *Ibid.*, Olivier Roy, pp. 232-289.

56 *Dâr al-'ahd* literally means the state of consensus or agreement. It was conceptualised by al-Shafi'i to bridge the territory of the state of Islam (*dar al-*

Islam) and the state of war/enemy (*dar al-harb*). See Halil Ýnalcýk, "*Dâr al-¿Ahd*," in P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs (eds.), *Encyclopaedia of Islam*, Second Edition, Consulted online on 03 September 2018 http://dx.doi.org/10.1163/1573-3912_islam_SIM_1698 (Accessed September 6, 2018). From the perspective of Muhammadiyah, it is consistently defined the state of consensus.

57   In Islamic legal thought, *ijtihâd* means "a serious intellectual effort in formulating a certain legal issue based on the scriptural texts." Ali ibn Muhammad al-Jurjani, *Kitâb al-Ta'rîfât* (Cairo: Matba'at al-Hamîdiyyah al-Misriyyah, 1903), p. 5. Regarding the term of *ijtihâd*, Muhammadiyah, more or less, follows this definition. See Asjmuni Abdurrachman, "Sorotan terhadap beberapa Masalah Sekitar Ijtihad," in Pramono U. Tanthowi (ed.), *Begawan Muhammadiyah: Bunga Rampai Pidato Pengukuhan Guru Besar Tokoh Muhammadiyah*, (Jakarta: PSAP, 2005), pp. 57-84. But in the process of *ijtihâd*, it involves an approach of "critical hermeneutics" to ensure its way of exegesis is productive (*al-qirâ'ah al-muntijah*). See Amin Abdullah, "Kritis Hermeneutis Ala Muhammadiyah," *Suara Muhammadiyah*, Vol. 85, No. 12 (2000), p. 11.

58   Ahmad Azhar Basyir, "Pokok-Pokok Ijtihad dalam Hukum Islam," in Jalaluddin Rahmat (ed.), *Ijtihad dalam Sorotan*, (Bandung: Mizan, 1988), p. 47.

59   Muhammad Ali, "The Muhammadiyah's 47th Congress and 'Islam Berkemajuan'," *Studia Islamika: Indonesian Journal for Islamic Studies*, Vol. 22, No. 2 (2015), p. 378.

60   Din Syamsuddin, "Gerakan Pencerahan Menuju Indonesia Berkemajuan: Refleksi, Proyeksi dan Rekomendasi," in Abdul Mu'ti et. al. (eds.), *Kosmopolitanisme Islam Berkemajuan*, (Surakarta: Muhammadiyah University Press, 2015), p. 11.

61   Al-Ma'un Theology (*Teologi Al-Ma'un*) is the concept of theology emphasises values respecting the essentials of social relations, justice, equality and universal humanism. It was extracted from al-Qur'ân, *Surah Al-Ma'un*. Meanwhile, Al-'Ashr Theology (Teologi Al-'Ashr) underlines the essentials of hard working and respecting time adopted from *Surah Al-'Ashr*. See Ahmad Najib Burhani, *Muhammadiyah Berkemajuan: Pergeseran dari Puritanisme ke Kosmopolitanisme*, p. 45-48.

62   Din Syamsuddin, "Menjadi Gerakan Berkemajuan Berkelanjutan," in Ahmad Fuad Fanani, *Reimagining Muhammadiyah: Islam Berkemajuan dalam Pemikiran dan Gerakan*, (Yogyakarta: Suara Muhammadiyah, 2018), p. xxxv.

63   Wael B. Hallaq, *The Impossible State: Islam, Politics, and Modernity's Moral Predicament*, (New York: Columbia University Press, 2013).

64   Ahmad Atif Ahmad emphasises it as "the sharia problem" and he does not "assume that *Sharia* is a problem." See Ahmad Atif Ahmad, *The Fatigue of the Sharia*, (New York: Palgrave, 2012), p. 182.

65   Ahmad Atif Ahmad, *The Fatigue of the Sharia*, pp. 1-56.

66   Abdullahi Ahmed An-Na'im, *Islam and the Secular State: Negotiating the Future*

of Shari'a, (Cambridge: Harvard University Press, 2008), pp. 223-266.

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